

## REMARKS

This Amendment and Response is responsive to the Office Action mailed June 18, 2004.

In that action: claims 1-19 were pending; the drawings were objected to as not showing the “predetermined criteria” feature in claim 1; claims 1 and 16 were rejected under 35 U.S.C. §112, 1<sup>st</sup> paragraph, as lacking enablement for the “predetermined criteria” and “automatically resolved” language, respectively; claim 16 was rejected under 35 U.S.C. §112, 2nd paragraph, as being indefinite for the “automatically resolved” language; claims 1-11, 13-15, 17, and 18 were rejected under 35 U.S.C. §102(e) as being anticipated by Leeke, et al. (U.S. Pat. No. 6,587,127); and claims 12 and 19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Leeke, et al. in view of Martino (U.S. Patent No. 5,987,103).

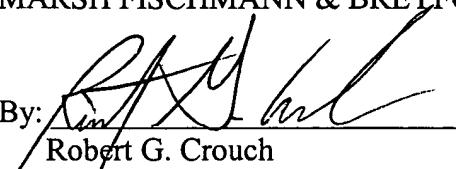
Claim 15 has been canceled. Claims 1, 10, and 16 have been amended to address the rejections. In claim 1, the term “criteria” has been replaced with the term “categories” that is used throughout the specification and in the drawings. This is believed to address the drawing objection and §112 rejection to claim 1. Claim 16 has been amended so as to use language other than “automatically resolved” and that is found in the specification and which is more definite. This is believed to address both of the §112 rejections of claim 16.

Claims 1 and 10 have been amended to address the prior art rejection. Leeke appears to be directed to a method for users to obtain audio files over a communications network. The claimed invention, on the other hand, is directed to retrieving multimedia files including video information over a data network including receiving a listing of multimedia files, making selections of files to be downloaded, compiling a download schedule, and downloading the multimedia files including video information.

Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

By: 

Robert G. Crouch  
Registration No. 34,806  
3151 South Vaughn Way, Suite 411  
Aurora, Colorado 80014  
(720) 562-5506

Date: September 20, 2004